

Last reviewed	March 2024
Next Review Date	March 2025

BULLYING AND HARRASSMENT POLICY

1. INTRODUCTION

- 1.1 BARBRI Global (the “**Company**”) recognises the right of every person to dignity and respect in the working and learning environments (“**Environments**”). As an employer and education provider Barbri is committed to providing an environment that is free from any form of bullying, harassment, or sexual harassment (“**Bullying**”). The purpose of this policy is to identify examples of Bullying and provide a mechanism for dealing with these behaviours.
- 1.2 All students (“**Individuals**”) of the Company must be aware of their responsibilities to maintain a place of safety and be mindful of the health and welfare of other students. .
- 1.3 Complaints of Bullying will be taken seriously by the Company with due regard to the rights of the complainant (the person making the complaint) and of the respondent (the person against whom a complaint is made). Complaints by Individuals of bullying will be treated with fairness, sensitivity, respect, and confidentiality for all parties concerned and will be followed through to resolution.
- 1.4 Protection under this policy applies to all Individuals and Related Individuals linked with the Company in the Environments and at associated events such as meetings, conferences, and social events whether on or off the Company premises. This policy includes all interactions whether online or in person.
- 1.5 All Individuals and Related Individuals of the Company will be expected to comply with this policy. The Company will strive to ensure so far as reasonably possible that incidents of bullying do not occur. Any action in breach of this policy will not be tolerated. Appropriate disciplinary action, including dismissal or expulsion for serious offences or gross misconduct will be taken against any individual who violate the terms of this policy. Where a person is expelled for any of the reasons set out in this policy, they will not be entitled to a refund of any of the course fees already paid except where the incident happens within the 14-day cooling off period. Breaches of this policy by Related Individuals will not be tolerated and may lead to termination of contracts, suspension of services, exclusion from a premises or the imposition of other sanctions as appropriate.

2. WHAT IS BULLYING, HARASSMENT AND SEXUAL HARASSMENT

2.1 DEFINITION OF BULLYING

- 2.1.1 Bullying has been defined as “repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others which could reasonably be regarded as undermining the individual's right to dignity in the learning environment or at work.”
- 2.1.2 An isolated incident of the behaviour within this definition may be an affront to dignity but as a once-off incident may not always be bullying. Only inappropriate behaviour which is systematic and ongoing is regarded as bullying. Examples of bullying may include but are not limited to:
- exclusion with negative consequences;
 - verbal abuse / insults;
 - written bullying for example through jokes, offensive language, gossip or unwarranted complaints;
 - physical abuse;
 - being treated less favourably than colleagues;

- intrusion – pestering, spying, or stalking;
- menacing behaviour;
- intimidation;
- aggression;
- undermining behaviour;
- excessive monitoring of work;
- humiliation;
- withholding work related information;
- repeatedly manipulating a person's job contents and targets;
- any discrimination / unfair treatment on the grounds of gender, marital status, parental status, family status, race, age, pregnancy, religious belief, sexual orientation, disability, or membership of the traveller community;
- blame for something beyond a person's control; and
- staring, leering or aggressive gestures.

2.1.3 For the purposes of this policy, where applicable, all sections apply to both in person and online environments that an Individual or Related Individual may encounter during their course of dealing with the Company.

2.2 DEFINITION OF HARASSMENT

2.2.1 Under the Harassment Act 1997 (as amended) the term harassment is used to cover 'causing alarm or distress' under section 2 of the Protection from Harassment Act (the "PHA"), and 'putting people in fear of violence' under section 4 of the PHA. Although harassment is not specifically defined in section 7(2) of the PHA, it can include repeated attempts to impose unwanted communications and contact upon an individual in a manner that could be expected to cause distress or fear in any reasonable person.

2.2.2 Examples of harassment may include, but are not limited to:

- treating individuals less favourably, or subjecting them to ridicule;
- undermining behaviour;
- demeaning and derogatory remarks, name calling;
- production, display or circulation of offensive material;
- demotions, career limitations;
- written harassment – e.g., faxes, text messages, emails, or notices; and
- intimidatory harassment – e.g., gestures, posturing or threatening poses.

2.3 DEFINITION OF SEXUAL HARASSMENT

2.3.1 Under The Equality Act 2010 a person sexually harasses another person if they engage in unwanted conduct of a sexual nature and the conduct has the purpose or effect of either violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. This unwanted sexual conduct can happen in person, on the phone, by text or email, or online. Both the harasser and the victim or survivor can be of any gender.

2.3.2 Sexual harassment includes a wide range of behaviours, including but not limited to:

- sexual comments or noises e.g., catcalling or wolf-whistling;
- sexual gestures;
- sexual jokes;
- sexual innuendos or suggestive comments;
- unwanted sexual advances or flirting;
- sexual requests or asking for sexual favours;
- sending emails or texts with sexual content;
- commenting on someone's body, appearance or what they're wearing;

- spreading sexual rumours;
- displaying images of a sexual nature;
- unwanted physical contact of a sexual nature e.g., brushing up against someone, hugging, kissing, or massaging them;
- stalking; and
- indecent exposure.

3. RESPONSIBILITIES OF ALL INDIVIDUALS ASSOCIATED WITH BARBRI

3.1 All individuals associated with the Company have a responsibility to ensure that Bullying does not occur. This should be done by treating all with courtesy and respect. The Company's managers and leadership are required to:

- be vigilant for signs of bullying at work through observation and through seeking individual feedback and are expected to act where reasonable, before a problem escalates;
- deal sensitively with Individuals involved in a bullying complaint whether complainant or alleged bully/harasser;
- promote awareness of this policy ;
- explain the procedures to be followed if a complaint of bullying at work is made;
- ensure an individual making a complaint is not victimised for doing so; and
- monitor and follow up on the situation after the complaint is made so that the bullying at work does not recur.

3.2 All Individuals associated with the Company have a responsibility to cooperate with this policy and with any preventative measures which are introduced. In addition, all individuals and related individuals are required to cooperate with management in the investigation of any bullying complaint. Any victimisation of, or retaliation against a complainant or a person who gives evidence regarding any Bullying complaint will be dealt with through the disciplinary procedure, up to and including dismissal / expulsion, as set out in our staff Disciplinary and Grievance Policy.

4. COMMUNICATION OF POLICY

4.1 The Company commits to communicate this policy to all individuals. New individuals will be made aware of this policy as part of their induction. All Tutors / Managers are responsible for promoting awareness of this policy to related individuals who are invited onto the premises.

5. PROCEDURES FOR INVESTIGATING AND RESOLVING BULLYING COMPLAINTS

5.1 COMPLAINTS

5.1.1 All complaints will be treated seriously by the Company and will be dealt with as quickly as possible in accordance with the Bullying and Harassment and complaints procedures. Confidentiality will be considered of the utmost importance consistent with the requirements of a full, fair, and comprehensive investigation.

5.1.2 . Usually, the process begins with the informal procedure and if resolved will end there. If the complaint has not been so resolved, the Company will at the request of the complainant use the formal procedure set out below

5.2 INFORMAL PROCEDURE

5.2.1 If an Individual believes they have experienced Bullying they should in the first instance, ask the person to stop the offensive behaviour. The individual should keep a record of incidents so that they can be specific about the allegations of Bullying including the information below:

5.2.2

- places;
- dates;
- times;
- names of witnesses;
- what was said / done; and
- perpetrator.

5.2.3 As set out in section 3.3 of the Student's Complaints Procedure, an individual who makes a complaint must commence the informal stage within three calendar months of the alleged incident to be the subject matter of the complaint. Individuals who have left the Company through completion of studies or for other means may invoke the procedures within three calendar months following the termination of their studies, if the incident also occurred within three months of the complaint. 5.2.4 If the complainant feels unable, or considers it inappropriate to approach the respondent directly, they may seek help and advice on options available on a confidential basis from UK Student Services or their Learning Coach. The contact person will be able to provide the complainant with a copy of the policies. The contact person does not get involved in any other way.

5.2.5 Having sought advice from UK Student Services or their Learning Coach the complainant may request that the issue be raised with the respondent. If such an approach is considered appropriate, it will be made in a non-confrontational, confidential manner with a view to resolving the complaint in an informal way. If this approach is successful in resolving the complaint the process will end there.

5.2.6 If the informal procedure is not possible or appropriate, or where the informal approach has not had the desired outcome from the complainant, the individual should contact UK Student Services with a view to addressing the complaint using the formal procedures set out below. T

5.3 FORMAL PROCEDURE

5.3.1 The formal procedure includes a formal complaint and a formal investigation.

5.3.2 Formal Complaint - the complainant should set out in writing to the UK Student Services Team the details of the alleged incidents of bullying/harassment, including their dates and names of witnesses where possible. The formal complaint should be signed and dated. This can be done through use of the complaints form.

5.3.3 On receipt of a written complaint of bullying, the UK Student Services team will provide the respondent with a copy of the written complaint. The respondent will have 7 working days to respond to the allegations in writing. The respondent will be notified that their written response will be furnished to the complainant. The respondent is not permitted to approach the complainant regarding the complaint. A copy of the response received from the respondent will be given to the complainant. Thereafter, a dedicated member of the BARBRI team will investigate the complaint and will write to all parties outlining the scope of the investigation and the projected timing of resolution.

5.3.4 FORMAL INVESTIGATION - the purpose of the investigation is to determine the facts and the credibility or otherwise of a complaint and to ascertain whether on the balance of probabilities, the behaviour complained of occurred. Evidence and witness statements are relied on for this purpose. The investigation will be conducted thoroughly and objectively, with sensitivity and with due regard to the rights of both the complainant and the respondent. Confidentiality will be maintained to the greatest extent consistent with the requirements of a full, fair and comprehensive investigation.

5.3.5 The investigator will meet with the complainant and the person complained of and any witnesses or relevant persons on a confidential basis with a view to establishing the facts. A work colleague, fellow student or other agreed designated person may accompany the complainant and the respondent, if so desired. All persons being interviewed will be reminded of their obligations in relation to confidentiality in all aspects relating to the complaint. The accompanying person may not be a witness to the investigation. Statements from all parties will be recorded in writing and will be signed by those giving the statements. The complainant and the respondent will be given the opportunity to comment if appropriate on any of the statements made by a witness and to question those witnesses, if appropriate.

5.3.6 The investigation will be completed as quickly as possible. The investigator will submit the report to management and will include their conclusions as to the credibility of the complaint. The complainant and the respondent will be given a copy of the report and an opportunity to respond before the Company decides on any action to take.

6. POST INVESTIGATION

Where the team decide that the complaint is well founded, the respondent should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counselling and / or monitoring or progressing the issue through the disciplinary and grievance procedure of the Company. If either party is unhappy with the outcome of the investigation, the issue may be processed through the appeal procedure set out in the Bullying and Harassment policy. .

7. PROTECTION AGAINST INTIMIDATION

Individuals will be protected against intimidation, victimisation, or discrimination for filing a complaint or assisting in an investigation. Any individual found retaliating against an individual for complaining about Bullying will be subject to the disciplinary procedure set out in the Grievance and Disciplinary Policy and subject to disciplinary action, as appropriate, up to and including expulsion / dismissal.

8. MALICIOUS OR VEXATIOUS COMPLAINTS

If, following the investigation, the evidence shows that the complaint was malicious or vexatious, appropriate disciplinary action will be taken against the complainant.

9. APPEAL

If the complainant or the respondent is unhappy with the outcome of the procedure, either party can appeal in writing to the Head of Learning not later than two weeks after the receipt of the decision of the Investigator.